

REMARKS

Reconsideration of the present application is requested on the basis of the following particulars.

1. Interview of February 24, 2005

Applicants are appreciative of having had the opportunity to discuss the pending application with the examiner on February 24, 2005. During the interview, the subject matter of claim 17 and U.S. patents 3,162,573 (Geary) and 5,492,696 (Price et al.) were discussed at length.

Agreement was reached on new claim 50 which replaces claims 17 and 49. A more detailed explanation of new claim 50 will be provided below and is found in the interview summary.

2. Amendment of the Claims

In the amendment of the claims, claims 17, 45 and 49 are cancelled without prejudice or disclaimer. The basic subject matter of these claims is expressed in new claim 50.

New claim 50 recites a pesticidal composition including a plurality of discrete particles of a magnetic material that have only an external coating that comprises a behavior modifying chemical or pesticide. This claim finds support in that claim 17, as originally filed, states that the magnetic material is coated with a behavior modifying chemical or pesticide. Moreover, additional support for this amendment is found on page 4, lines 25-29 wherein it is stated that the magnetic particles may be coated with one or more pesticides or behavior modifying chemicals.

Accordingly, support is clearly found in the specification for new claim 50. Entry of this claim is respectfully requested.

3. Rejection of Claims 17, 45 and 49 Based on U.S. Patent 3,162,573 (Geary) and U.S. Patent 5,492,696 (Price et al.)

In view of new claim 50, it is submitted that neither the Geary patent nor the Price et al. patent disclose or suggest a pesticidal composition including a plurality of discrete particles of a magnetic material that have only an external coating that comprises a behavior modifying chemical or pesticide.

The Geary patent does not disclose or suggest the pesticidal composition of claim 50. More specifically, example 15 of the Geary patent has been cited as teaching the pesticidal composition of claims 17 and 49. It will be pointed out, however, that example 15 relates to a formulation containing an iron powder that is formed into a pellet (col. 7, lines 44-56). The pellet formed according to example 15 does not result in magnetic particles having only an external coating comprising a pesticide or behavior modifying chemical.

Thus, there is no teaching in the Geary patent of only coating the external surface of magnetic particles with a pesticide or behavior modifying chemical.

Turning to the Price et al. patent, this patent teaches a pesticidal composition comprising microtubules that contain a magnetic material in admixture with a pesticide or behavior modifying chemical (col. 18, lines 17-55). The microtubules contain active ingredients and the Price et al. patent simply does not disclose the active ingredient coated on the outside of the microtubules.

In view of these observations, and the discussion at the interview, it is submitted that neither the Geary patent nor the Price et al. patent discloses or suggests the pesticidal composition of new claim 50.

Accordingly, allowance of new claim 50 is respectfully requested.

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Art Unit: 3643

4. Conclusion

As a result of new claim 50 and the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicants' Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Justin J. Cassell', written in a cursive style.

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